

PUBLIC NOTICE: 06-12

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT**

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT.
EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THESE
PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(g), EPA IS AUTHORIZED TO ISSUE ORDERS ASSESSING CIVIL
PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY ISSUE SUCH
ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II PENALTY
PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THESE PROPOSED
ASSESSMENTS PURSUANT TO 33 U.S.C. §1319(g)(4)(A).**

CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR

SUSPENSION OF PERMITS", 40 CODE OF FEDERAL REGULATIONS PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER OF:

Mr. Ruben Ortiz Galarza, President, R. Ortiz and Sons Corporation, P.O. Box 1351, Hatillo, Puerto Rico 00659, DOCKET NO. CWA-02-2006-3301; FILED ON December 27, 2005 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION II, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247; TOTAL PROPOSED PENALTY: \$32,500, FOR FAILURE TO APPLY AND OBTAIN A NPDES PERMIT COVERING STORM WATER DISCHARGES FROM CONSTRUCTION SITES AS REQUIRED BY THE STORM WATER REGULATIONS.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THE COMPLAINT OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENT, OR OTHERWISE PARTICIPATE IN ANY OF THESE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.

DATED: 1/31/06

DORE LAPOSTA, DIRECTOR

**DIVISION OF ENFORCEMENT AND
COMPLIANCE ASSISTANCE**